REMARKS

Claims 60 to 74 are pending in the application, Claims 60 and 64 being the independent claims. Claims 60, 61, 63 to 65 and 68 to 74 are amended. Reconsideration and reexamination are respectfully requested.

I.   Allowable Subject Matter Indicated By The Office Action

The Applicant gratefully acknowledges the confirmation made by the in the Office Action that Claims 64 to 67 recite allowable subject matter. The Office Action further confirms that these claims would be in condition for allowance if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

While the Applicant disputes the need for any amendment in light of the art of record, the Applicant amends Claim 64 to place it in independent form, including all of the limitations of its base Claim 60. The Applicant does not consider that the amendment in any way narrows the scope of the claim, since each limitation was present in the claim prior to the amendment. In addition, the Applicant amends Claims 61, 63 and 68 to 72 to depend from Claim 64. The amendments to these claims are being made solely to advance prosecution, so as to allow the Applicant to obtain some incremental scope of protection while the broader claims to which the Applicant believes it is entitled are pursued in a subsequent application.

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Based on the statements and confirmations made in the Office Action by the Examiner, Claim 64, should be in condition for allowance, and Claims 61 to 63 and 68 to 72, each of which depend either directly or indirectly from Claim 64, should also be in condition for allowance.

II.   Objection to Claims 73 and 74

Without conceding the correctness of the reason for the objection stated in the Office Action, Claims 73 and 74 are being amended. It is believed that the amendments obviate the objection. In addition and for at least the reasons discussed above, it is believed that these claims are in condition for allowance.

III.   Claim Rejections Under 35 U.S.C. §§ 102(b) or 103(a)

By the Office Action, Claims 60, 61 and 63 and 68 to 74 are rejected under 35 U.S.C. §102(b) over U. S. Patent No. 5,732,216 (Logan), and Claim 62 is rejected under 35 U.S.C. § 103(a) over Logan and U.S. Patent No. 6,181,351. The above-discussed amendments, which are being made solely to provide the Applicant with at least partial claim scope in a timely manner and without conceding in any way the correctness of the rejection of Claims 61 to 63 and 68 to 74, render the rejection of Claims 61 to 63 and 68 to 74 moot. Reconsideration and withdrawal of the rejection of these claims are therefore respectfully requested. In addition and for at least the following reasons, the Applicant submits that independent Claim 60 is allowable over the Logan. Reconsideration and withdrawal of the rejection of Claim 60 are also respectfully requested.

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With reference to the claim language, Claim 60 recites an apparatus for annotating a document comprising a mobile apparatus coupled to data storage, a document processing engine and an annotator. The data storage is configured to store a text document and a plurality of audio comments, each of the stored plurality of audio comments annotating the text document and being linked to the text document. The document processing engine is configured to obtain an audio content conversion of the stored text document and at least a subset of the stored plurality of audio comments for playback as an audio source. The mobile apparatus comprises an audio playback interface configured to receive at least one command for controlling playback of the audio source from a user, and an audio input interface configured to obtain at least one new audio comment from the user at a point in the playback specified by the user. The mobile apparatus is configured to identify a location in the text document which corresponds to the point in the playback specified by the user, and the annotator is configured to cause the new audio comment to be saved via the data storage as an annotation linked to the identified location in the text document corresponding to the point in the playback specified by the user.

In response to the Applicant's previous remarks, the Examiner provides the following comments, at pages 13 and 14 of the Office Action:

> In the examiner's opinion, Applicant appears to argue that Logan allows the user to comment upon/annotate the program segment, wherein the program segment is an audio file

rather than a text file. See Response – Pages 19-20, spanning paragraph.

The examiner disagrees.

The system in Logan includes "textual" program segments (see Figure 1, Element # 133; see Column 4, Lines 40-52). The system in Logan converts the text to audio and plays it for the user (see Column 3, Lines 24-41). The system in Logan allows the user to submit comments for the "converted" text program segment and saves the comments, the program segment commented upon and the position within that program segment when the comment was generated (see Column 1, Lines 53-59).

Thus, Logan does not limit user-initiated comments or annotations to the program segment that is being listened to by the user, but rather allows users to audibly comment upon or annotate text documents during audio playback of the text documents, and saving the audio comments or annotations as links to the commented upon/annotated portions of the text documents.

As best understood by the Applicant, the Examiner appears to consider that Logan provides the user with the ability to listen to a text document. However, the Applicant can find nothing in Logan that allows a user to listen to a text document. Rather, as seems to be conceded in the Examiner's comments, Logan allows the user to listen to an audio program segment. While the audio program segment may have been created by converting a text program segment to audio, Logan is clear that it is the audio program segment that is listened to, and annotated, by the user. Logan does in fact limit user-initiated annotations or comments. Logan only permits user-initiated annotations or comments that annotate the program segment that the user is experiencing, i.e., in the case of an

audio program segment, Logan only allows user-initiated annotations to the audio program segment. The "audio playback" referred to the last paragraph of the Examiner's comments can only refer to Logan's playback of the audio program segment. Logan's conversion of a text program segment to audio occurs before the user even listens to the audio program, and only for the purpose of generating the audio for the audio program segment. In addition to the portions of Logan cited by the Examiner, the Applicant also respectfully refers the Examiner to col. 1, lines 53 to 65, col. 41, lines 28 to 43 and col. 43, lines 5 to 11 of Logan, according to all of which the user listening to an audio program segment in Logan annotates the audio program segment (not the text program segment). The referenced portions of Logan make it clear that user-initiated annotations or comments are limited to the program segment that is being experienced by the user. In the case of the audio program segment, Logan limits user-initiated annotations of comments to the audio program segment, and this is so regardless of whether or not the audio program segment was generated by converting a text program segment to audio.

Logan does not teach, suggest or disclose elements, or an apparatus comprising elements, that allow a user to annotate a text document with the playback of an audio conversion of the text document, and more particularly, Logan fails to teach, suggest or disclose elements, or an apparatus comprising elements, that allow the user to annotate a text document, from which an audio

content conversion is obtained, by controlling playback of the audio content

conversion of the text document, specifying a point in the playback of the audio

content conversion of the text document for the new audio comment, obtaining a

new audio comment from the user in the playback of the audio content

conversion of a text document, and linking the audio comment obtained in the

playback of the audio content conversion to an identified location in the text

document corresponding to the point in the playback specified by the user.

Furthermore, Logan fails to teach, suggest or disclose the claimed mobile

apparatus which is configured to identify the location in the text document

which corresponds to the point in the playback specified by the user and the

annotator which is configured to cause the new audio comment obtained from a

user at a point in the playback of an audio source to be saved as an annotation

linked to the text document an audio conversion of which is included in the

audio source, the new audio comment being linked to a location in the text

document based on the point in the playback specified by the user.

Since Logan fails to teach, suggest or disclose multiple elements of the

claim, Claim 60 is believed to be patentable over Logan. Logan therefore cannot

be said to anticipate, or render obvious, the claimed invention. Reconsideration

and withdrawal of the 35 U.S.C. § 102(b) rejection of Claim 60 are therefore

respectfully requested.

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IV.   Conclusion

For at least the foregoing reasons, Applicant submits that Claims 60 to 74

are in condition for allowance. Applicant respectfully requests that a timely

Notice of Allowance be issued in this case.

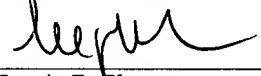Respectfully submitted,

THE HECKER LAW GROUP

Date: September 13, 2007   By:_____

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